REMARKS/ARGUMENTS

Claims 10-13 and 17-20 are active in this application, claims 1-9 and 14-16 having been withdrawn by the Examiner due to Restriction, and new claims 17-20 having been added by the present amendment. Claim 1, although withdrawn due to restriction, has been amended to remove the parentheses as suggested by the Examiner. Claim 10 has been amended to incorporate the limitations of claim 1 from which it previously depended. Claim 12 has been amended to correct the preamble as suggested by the Examiner. New claims 17-20 have been added and are supported by original claim 2 (claim 17), original claim 3 (claim 18), original claims 2 and 12 (claim 19) and original claims 2, 11 and 12 (claim 20). No new matter has been added by these amendments.

The present invention relates to a method of using a dispersion or solution as adhesive, sealant, or impregnating composition, wherein the dispersion or solution is a dispersion or solution of a polymer in water, organic solvent or mixtures thereof, wherein the polymer comprises at least 0.001 mol of 3,4 dihydroxyphenyl groups, calculated at 109 g/mol, per 100 g of polymer.

The Examiner's objections to claims 1 and 12 have been obviated by the present amendment. Applicants would like to thank the Examiner for the helpful suggestions regarding these claims.

Claim 10 stands rejected under 35 U.S.C. 102(e) over Pacetti et al. Pacetti discloses coatings for implantable medical devices and methods of coating those medical devices. However, there is nothing within Pacetti regarding the use of such a composition as an adhesive (which would definitely not be desired in a medical device!), a sealant or as an impregnating composition, as required in the present claims. The only use disclosed by Pacetti is that of a coating, in order to prevent biological fouling of the implantable medical

device. Accordingly, Pacetti cannot anticipate the present invention of claim 10, and the rejection should be withdrawn.

Claims 10, 12 and 13 stand rejected under 35 U.S.C. 103 over Aoshima. Aoshima discloses planographic printing plates, and the use of coating solutions of various types of polymer to coat those planographic printing plates. However, again, there is no disclosure or suggestion in Aoshima of using such a composition as an adhesive, a sealant or as an impregnating composition, as required by the present invention. Accordingly, Aoshima cannot render the present invention, as claimed, obvious, and the rejection should be withdrawn.

Claim 11 stands rejected under 35 U.S.C. 103 over either of Pacetti et al or Aoshima, in view of Wilson et al. The deficiencies of Pacetti and Aoshima have been discussed above. The Examiner has also noted that neither of Pacetti nor Aoshima disclose that their compositions be used in such a manner that the composition be stored under oxygen-free conditions prior to use. The Examiner has attempted to use Wilson to resolve that deficiency. However, the passage relied upon by the Examiner bears little relation to the compositions of the present invention, nor the compositions of Pacetti and Aoshima. In particular, the Examiner refers to column 2, lines 23-32 of Wilson, which state:

> It is considered that the active portion of the molecule is that containing the cyclic ene-diol system. The compounds are not to be confused with polyhydric aromatic compounds such as catechol or pyrogallol which show serious disadvantages such as a strong tendency to form colored oxidation products in the development reaction or on contact with the oxygen in the air, which products discolor solutions and stain photographic materials.

The Examiner then states that since the polymeric components of Pacetti and Aoshima are aromatic polyhydric alcohols having hydroxyl groups ortho to one another, that

this passage would make it obvious to use oxygen free storage conditions for the compositions of Pacetti and Aoshima. However, even if we assume, for arguments sake only, that the compositions of Pacetti and Aoshima correspond to the present compositions, the Examiner is ignoring the fact that the Pacetti and Aoshima compositions are polymeric compositions that just happen to have some ortho hydroxyl aromatic groups present. This is vastly different from the individual compounds catechol and pyrogallol. Catechol is 1,2-dihydroxybenzene and pyrogallol is 1,2,3-trihydroxybenzene. These small molecules would have vastly different oxidation tendencies relative to a polymeric composition that happens to contain aromatic ortho hydroxyl groups. To suggest that one of ordinary skill would expect the two to have similar oxidation properties is ignoring this fact. Further, neither of these compounds is actually a 3,4-dihydroxyphenyl group (which inherently requires substitution at the 1 position!), as required in the present invention.

Nevertheless, it is important to note that none of these references cited by the Examiner disclose the use of their compositions as adhesives, sealants or impregnating compositions as required in the present claims. Accordingly, even if one were to combine the references as suggested by the Examiner, the combination could not render the present claims obvious, and the rejections should be withdrawn.

To the extent that the withdrawn claims are eligible for rejoinder upon allowability of the present active claims, such rejoinder is requested.

Applicants submit that the application is in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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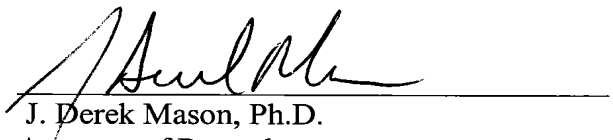

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